

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Administration of the
North American Numbering Plan

)
)
) CC Docket No. 92-237
) Phases One and Two
)

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COMMENTS OF NEXTEL COMMUNICATIONS, INC.

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SUMMARY

As the management of numbering responsibilities is transitioned from Bell Communications Research, Inc. ("Bellcore") to a new and independent entity, Nextel Communications, Inc. ("Nextel") believes that the Commission must not only establish a system that will administer scarce numbering resources in a fair and non-discriminatory manner, but must also provide clear policy directives to guide the Plan Administrator in discharging its responsibilities.

In order to make informed decisions on both the necessary functions and costs of NANP management, the Commission should require Bellcore to submit a report identifying the full range of its NANP activities, NANP Administrator staffing levels and costs. Without this basic, but crucial information, the Commission cannot make rational decisions regarding the functions of the NANP Administrator or determine appropriate levels of funding or methods for cost recovery.

Nextel supports the concept advanced in the Notice that a single Policy Board, open to all interested parties, be created and that routine policy issues be resolved by consensus. Nextel believes that the Commission must increase its direct involvement in the resolution of numbering issues and the articulation of policy goals suitable for a competitive communications marketplace. As the number of service providers and services proliferate,

Commission supervision and guidance will be increasingly necessary to ensure that numbering resources are administered impartially to promote competitive services.

The Commission should also establish an implementation plan and timetable for number portability. Given the importance of number portability to the development of PCS, the Commission must ensure that the industry is working diligently toward achieving appropriate portability arrangements. Unless clear direction is given to the industry and a timetable for 500 Service Access Code ("SAC") and full number portability is established, the marketplace will fail to provide for a swift transition.

In addition, the costs incurred in administering the NANP should be shared by all carriers and users in proportion to their use of numbering resources. All service providers, including LECs, must be assessed costs based upon their actual use of numbering resources. Specifically, Nextel believes that the costs of NANP administration must be borne proportionally by those parties currently using numbers that were previously assigned, as well as by those requesting assignment of new numbering resources.

Finally, Nextel believes that Bellcore should be required to submit a report on the additional costs of international numbering administration before the Commission develops specific proposals for international cost recovery. Subject to this report, World Zone 1 countries that do not

wish to make voluntary contributions to support the NANP Administrator's international numbering functions could be charged a "per minute" fee on incoming calls.

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In the Matter of)
) CC Docket No. 92-237
Administration of the) Phases One and Two
North American Numbering Plan)

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

Nextel Communications, Inc. ("Nextel") hereby submits its comments in response to the Federal Communications Commission's (the "Commission") Notice of Proposed Rulemaking regarding the future administration of the North American Numbering Plan ("NANP").^{1/} As the Commission transitions the management of numbering responsibilities from Bell Communications Research, Inc. ("Bellcore") to a new and independent entity, Nextel believes that the Commission must not only establish a system that will administer scarce numbering resources in a fair and non-discriminatory manner, but must also provide clear policy directives to guide the Plan Administrator in discharging its responsibilities.

I. Introduction

The Commission has been exploring issues regarding the future administration of numbering resources under the

^{1/} See Notice of Proposed Rulemaking, Administration of the North American Numbering Plan Phases One and Two, CC Docket No. 92-237 (FCC 94-79) (released April 4, 1994) ("Notice").

NANP since it issued a Notice of Inquiry ("NOI") in October 1992. At that time, the Commission sought to address both narrower technical issues and broader policy questions concerning the management of telephone numbers used in North America. Most recently, Bellcore, the current Administrator of the Plan, has expressed a desire to relinquish administration of the NANP. Thus, the Commission is in the unique position of establishing a new framework for the assignment and preservation of numbering resources, as well as establishing an independent Plan Administrator.

As a leading wireless services provider, Nextel has a keen interest in the assignment of numbers for mobile services and wireless applications.^{2/} Nextel has participated in a number of Commission proceedings considering these issues and, most recently, submitted comments in response to Bellcore's proposed resignation, announced in August 1993. Specifically, Nextel has voiced serious concerns regarding the assignment of the 500 SAC. Although Nextel supports the Commission's implementation of 500 SAC assignments, it has consistently advocated the development of a comprehensive approach for the administration of the NANP.

^{2/} Nextel provides Specialized Mobile Radio ("SMR") service in the nation's largest markets and is currently implementing Enhanced Specialized Mobile Radio ("ESMR") systems using digital mobile technology.

Nextel believes that proper administration of numbering resources is critical, particularly in this period of transition in numbering responsibilities. Because Bellcore's management of the NANP traditionally has evidenced a strong bias in favor of its client companies the Bell Operating Companies ("BOCs") and their numbering needs, the Commission should act swiftly in effecting the transition. Bellcore's resignation, therefore, and the transfer of responsibilities to the new Administrator should be accelerated to the extent it is practically feasible.

What is critical to informed management of numbering in the future, however, is a full report from Bellcore to the Commission identifying the full range of its NANP activities, staffing levels and costs. Without this basic, but crucial information, the Commission and interested members of the public cannot make rational decisions regarding the functions of the NANP Administrator or determine appropriate levels of funding and methods for cost recovery.

II. The Commission, Not A Policy Board, Must Set Pro-Competitive, Long-Term Numbering Policies

As Nextel observed in its previous submission in this and related numbering proceedings, the past process, as controlled by Bellcore, has failed to provide the degree of openness and fairness, and the degree of policy direction from the Commission, that is required for issues critical to

future services and telecommunications competition.^{3/}

Unless access to numbering resources is made available to all services providers on an equal and non-discriminatory basis, true competition in the communications marketplace will not emerge. Perhaps even more than spectrum, the enlightened management of numbering resources will determine whether service providers have the ability to implement new and improved services in the coming years.

As an initial step, the Commission's recognition of the need to avoid fragmentation of policy-making by splitting these duties among several industry forums or consensus building groups is encouraging.^{4/} Historically, the broad policies underlying numbering assignments, and the rules by which assignments are made, have been formulated without the participation of broad segments of the telecommunications marketplace. Numbering decisions have been made in the context of numerous forums at diverse locations across the country. Accordingly, the process has been dominated by the BOCs and has resulted in policies and practices that often prefer select groups of service

3/ See Letter to Kathleen B. Levitz, Esq., Acting Chief of the Common Carrier Bureau, from Robert S. Foosaner, Senior Vice President, Government Affairs, Nextel Communications, Inc. (July 28, 1993); Reply Comments of Fleet Call, Inc., CC Docket No. 92-237 (filed February 24, 1993).

4/ See Notice at ¶¶ 19 & 20.

providers over others.^{5/} Only recently, in fact, did the Industry Carriers Compatibility Forum ("ICCF") formally establish the Industry Numbering Committee ("INC") to supervise all industry work relating to the assignment and use of NANP numbering resources.

Nextel supports the concept advanced in the Notice that a single Policy Board be created, with the Commission as Chair, and that routine policy issues be resolved by consensus. In this way, all parties interested in obtaining numbers to support their operations can contribute to the processes which establish the rules and policies for assignment. In addition, the vested interests presently managing the NANP will no longer be able to monopolize numbering resources allocation and uses.

What has been fundamentally lacking in the process to this point, however, and what the Notice fundamentally must address, is the need for direct Commission involvement in the resolution of numbering issues and the articulation of policy goals suitable for a competitive communications marketplace. The diversity of service providers requiring numbering resources is vastly greater today than previously and will only become more so as new service providers and new services are created. Commission supervision and

^{5/} For example, Bellcore's unilateral decision to assign 500 SAC codes in August 1993 was prompted by the continued demands for these numbers from entrenched industry service providers.

guidance will be increasingly necessary to ensure that numbering resources are administered impartially to promote competitive services.

Past history confirms that Commission involvement is necessary for the advancement and growth of new service providers and technologies. The need for direct Commission action can be no better illustrated than by the industry's treatment of 800 number portability and its Commission-driven development over the past seven years. In order to achieve 800 number portability, and to ensure an orderly transition to 800 data base access, the Commission found it necessary to take an active role in mandating number portability and orchestrating its implementation.^{6/} It was only through Commission directive, and concentrated efforts to promote interexchange competition in a monopoly environment, that 800 number portability was achieved. Without Commission involvement and direction, it is likely that interested industry segments would still be debating alternative methods of providing for 800 number portability or struggling for consensus in regard to its implementation.^{7/} So too, in regard to critical numbering

6/ See Report and Order, Provision of Access for 800 Service, 4 FCC Rcd 2824 (1989) and Memorandum Opinion and Order on Reconsideration and Second Supplemental Notice of Proposed Rulemaking, Provision of Access for 800 Service, 6 FCC Rcd 5421 (1991).

7/ Additionally, landline interexchange equal access would never have been accomplished if the Commission would have
(continued...)

issues, it is imperative that the Commission take its rightful place in enumerating long-term, pro-competitive, non-discriminatory policies for code administration.

As observed in the Notice, the future numbering administrator likely will expand its role beyond area code administration to deal with central office code assignments, CIC codes, SS7 codes and any number of future databases in common use throughout the industry.^{8/} Tremendous policy implications arise in connection with access to new functions such as Advanced Intelligent Networks ("AINs"), as Nextel has already observed.^{9/} Accordingly, failure of the Commission to dictate broad access and openness policies could precipitate unnecessary costs for carriers as they may later have to modify numbering and database access and administration arrangements, as well as impede the development of competitive services. By setting a clear and comprehensive agenda on long-term numbering, and creating a framework for the resolution of numbering issues by an single, independent policy board chaired by the Commission,

7/ (...continued)
been unwilling to require customer balloting as BOC and independent LEC central offices were converted to equal access.

8/ See Notice, at ¶ 27 (indicating that the number and complexity of functions of NANP Administrator will likely increase with the evolution of telecommunications technology and the national information infrastructure).

9/ See Reply Comments of Nextel Communications, Inc., In the Matter of Intelligent Networks, CC Docket No. 91-346 (filed December 1, 1993).

the Commission can implement policy directives in an efficient forum, capable of addressing a wide range of traditional, as well as emerging, issues.^{10/}

III. The Commission Must Establish An Implementation Plan and Timetable For Number Portability

The Notice raises, but defers, the issue of 500 number portability apparently under the belief that the industry is developing portability without independent direction from the Commission. In fact, the issue was most recently raised in response to Bellcore's announcement, last summer, of its intention to assign 500 SAC codes to entities demonstrating an "urgent" need for the numbers. At that time, Nextel suggested that Bellcore be required to submit a detailed proposal for 500 number portability prior to any code assignment.^{11/} While the Commission requested that Bellcore provide such a report, Bellcore declined and instead submitted its resignation as NANP Administrator.^{12/}

^{10/} For instance, Nextel agrees with the Notice's tentative conclusion, at ¶ 28, to delegate central office ("CO") code assignment responsibilities to the new NANP Administrator. Centralization of CO code assignment functions would serve the public interest and is consistent with the Commission's intent to delegate all numbering related issues to the NANP Administrator for resolution.

^{11/} See Letter to William F. Caton, Acting Secretary of the Federal Communications Commission, from Robert S. Foosaner, Senior Vice President, Government Affairs, Nextel Communications, Inc. (September 7, 1993).

^{12/} See Public Notice, Commission Requests Comment on Proposed Assignment of the 500 Service Access Code for Personal Communications Services (released August 5, 1993).

PCS number portability is an example of where the Commission should make clear its policy and service requirements. Given the importance of number portability to the development of PCS, the Commission must ensure that the industry is working diligently toward achieving appropriate portability arrangements. The Commission has already recognized the fact that "500 numbers must ultimately be portable and that portability should be achieved as expeditiously as possible."^{13/}

The Notice's deferral of the PCS number portability issue could be interpreted as retreating from the Commission's prior statements of urgency, particularly when coupled with the Commission's recent action allowing the assignment of 500 SACs without an adopted plan for implementing 500 SAC portability.^{14/} Unless clear direction is given to the industry, and a timetable for 500 SAC portability is established, the marketplace will fail to provide for a swift transition. Because established industry players continue to dominate in the provision of services, they will continue to resist the advent of a system that permits customers to retain their phone number assignments even if they change service providers. The

^{13/} See Letter to Ronald R. Connors, Director of NANP Administration from Kathleen B. Levitz, Acting Chief, Common Carrier Bureau (August 5, 1993).

^{14/} See Letter to Ronald R. Connors, Director of NANP Administration, from A. Richard Metzger, Jr., Acting Chief, Common Carrier Bureau (May 3, 1994).

Commission has the authority to authorize timetables for both 500 SAC and more general number portability and should use its authority to promote the public interest.

IV. The Costs Incurred In Administering the NANP Should Be Shared By Carriers and Users In Proportion To Their Use of Numbering Resources

In the Notice, the Commission requests comment on available alternatives for funding the administration of the North American Numbering Plan. Nextel believes that any determination concerning the method of cost recovery must proceed from the assumption that all current costs of numbering administration are currently being recovered, both from telephone ratepayers and the carriers requesting CO code assignments.

Inexplicably, the Notice appears to assume that Bellcore and the LECs that currently assign numbers are not already collecting the costs of numbering administration. Under the current system, however, the users of numbering resources compensate the LECs who administer the CO codes when the new codes are opened, on a tariffed, non-recurring charge basis. These non-recurring charges are generally justified by LECs as compensation for their costs of switch reprogramming, which permits LEC facilities and equipment to recognize and route new codes.^{15/} In addition, the costs

^{15/} Significantly, under the current system, non-LEC carriers must bear their own costs in executing these very same functions.

incurred by LEC participation in industry forums, work groups and related committee matters, have been defrayed by passing the costs of their time and efforts of participation to their customers, as has the cost of participation in industry forums by other interested parties. Significantly, however, without an accounting from Bellcore of its costs exclusively for NANP administration, the Commission cannot assume that costs are unrecovered or under-recovered, or that present cost sharing mechanisms are insufficient for defraying the costs of future numbering administration. Without knowing the level of funding Bellcore's client companies provide for NANP administration, no rational cost recovery mechanism can be devised.

In the absence of critical data on actual costs, Nextel offers a conceptual framework for equitable NANP cost recovery. In establishing a new cost recovery system, the Commission must not penalize new service providers. Rather, all service providers, including LECs, must be assessed costs based upon their actual use of numbering resources. Specifically, Nextel believes that the costs of NANP administration must be borne proportionally by those parties currently using numbers that were previously assigned, as well as by those requesting assignment of new numbering resources. Thus, Nextel requests that the costs be shared by carriers and users in proportion to the numbering

resources directly assigned to them.^{16/} Any system that imposes costs only on carriers seeking new number assignments is patently inequitable as it has a disproportionate adverse impact on newer service providers. Given the fact that the majority of numbers are held by the LECs and their customers, it would be unfair to demand that a large share of the costs of administering the NANP be borne by emerging carriers.

As previously noted, LECs currently charge for code assignments in their interstate and intrastate tariffs. Nextel agrees with the Notice that CO code assignment should become a centralized function of the new NANP Administrator. To the extent that any charges for assigning these codes can be justified, however, they must be treated uniformly in the future. Given the development of the telecommunications marketplace, all service providers must reconfigure and reprogram their switches to accommodate new numbers and to provide for their routing. Disparate treatment in regard to these costs can no longer be justified if the Commission seeks to evolve the hierarchical landline network into a "network of networks."

^{16/} See generally Notice at ¶ 36.

V. World Zone 1 Countries That Do Not Wish To Make Voluntary Contributions To Support The NANP Administrator's International Numbering Functions Should Be Charged A "Per Minute" Fee On Incoming Calls

Finally, the Commission should require that Bellcore submit a report on the additional costs of international numbering administration before the Commission develops specific proposals for international cost recovery. Identification of the extent and nature of the costs incurred in the provision of these international services may have a significant impact on the method of cost recovery the Commission ultimately selects.

Subject to this report, however, Nextel submits that World Zone 1 countries that do not wish to make voluntary contributions to support the NANP Administrator's international numbering functions should be charged a "per minute" fee on incoming calls. Because the costs could be spread among any World Zone 1 countries that fail to contribute voluntarily, the charges could be minimized. In addition, under this scheme, the NANP Administrator would be guaranteed to recover all costs associated with its international numbering administration responsibilities.

VI. Conclusion

In defining the future role of the NANP Administrator, Nextel recommends that the Commission assume a more prominent role in the establishment of long-term,

pro-competitive numbering policies. Specifically, Nextel submits that the Commission chair a Policy Board established to oversee the administration the NANP, resolve contentious numbering conflicts in a manner that advances the public interest and set numbering policies and directives.

Nextel recommends that the Commission (1) ensure, through supervisory involvement, that access to numbering resources is made available to all service providers on an equal and non-discriminatory basis; (2) provide policy direction in regard to 500 SAC and more general number portability, including the establishment of an industry implementation plan and timetable; (3) provide a cost recovery mechanism that permits cost-sharing in proportion to the carriers' use of numbering resources; and (4) require

Bellcore to make a complete report of its numbering functions and their costs, including an assessment of additional costs incurred in satisfying the NANP Administrator's international numbering responsibilities.

Respectfully submitted,

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